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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,469	09/11/2003	Thomas E. Sawyer	026066-00006	6832
4372	7590	07/12/2005	EXAMINER	
ARENT FOX PLLC 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/659,469	Applicant(s) SAWYER, THOMAS E.	
	Examiner Kim Nguyen	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7 and 9-28 is/are pending in the application.
 4a) Of the above claim(s) 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7 and 9-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner acknowledges receipt of the amendment on 4/29/05.

According to the amendment, claims 6 and 8 have been canceled, claim 28 is withdrawn from consideration, and claims 1-5, 7 and 9-28 are pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-2, 4-5, 7 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furuta et al (US 2003/0094761) in view of Goldman (US 5,997,002) and Guidi (US 5,839,732).**

As per claim 1-2 and 4, Furuta discloses a method for playing a card game. The method comprises receiving a selection indicating whether to participate in the auxiliary play from a player, dealing a card to each of the player (paragraphs 0009 and 0022); determining whether the player was dealt four royal cards of the same suit (paragraphs 0036 and 0039); awarding a bonus prize to the player (paragraph 0035), receiving a selection from the

player whether to wager in a first round, taking a first ante from the player who selects not to wager in the first round (paragraph 0027). Furuta does not disclose awarding the player when the player was dealt four loyal cards, taking further antes if the player selects not to wager in the first round, and taking the player out of the game when the player folds. However, since Furuta discloses awarding the player when the hand of the player meet one of a plurality of royalty bet configuration, further, since the royalty bet configuration includes the four loyal cards of the same suit (paragraphs 0036 and 0039). Furuta encompasses teaching awarding the player only when the player was dealt four loyal cards. Goldman discloses taking further antes if the player decides to fold (col. 4, lines 9-10), and Guidi discloses taking the player out of the game when the player folds (col. 6, lines 3-5). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to take the ante wagers from the player as suggested by Goldman, and to place the player out of the game if he decides to fold as taught by Guidi in order to facilitate checking hands and determining awards for winners who participates in the game.

As per claim 5, Furuta discloses receiving a second ante (Royalty bet) from the player (paragraph 0022).

As per claim 7, Furuta discloses receiving a play bet (paragraph 0028).

As per claim 9, Guidi discloses allowing the player to wager in a plurality rounds (col. 6, lines 18-24).

As per claim 10, Guidi discloses receiving a second play bet (col. 6, lines 31-33).

As per claim 11, Guidi discloses taking a first ante and a first play bet if the player selects not to wager in the second round (col. 6, lines 27-29).

Further, refer to discussion in claim 8 concerning taking a second ante.

As per claim 12-14, Guidi discloses dealing two cards down and one card up (box 62 in Fig. 2) (col. 5, lines 58-63); then dealing one card up (box 66 in Fig. 2) (col. 6, lines 16-18); then one card to each player (box 70 in Fig. 2) (col. 6, lines 38-40).

3. Claims 3 and 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furuta et al (US 2003/0094761) in view of Guidi (US 5,839,732).

As per claim 3 and 15, refer to discussion in claim 1 above. Further, Guidi discloses the well-known standard poker hand using hands of five cards (col. 1, lines 11-13; col. 5, lines 24-30; and col. 6, lines 40-41). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a card game with the well-known standard rules of poker

using hands of five cards as taught by Guidi to the card game of Furuta in order to allow the player to play a conventional poker game.

As per claim 16, playing a poker game on a gaming terminal would have been well known to a person of ordinary skill in the art at the time the invention was made.

As per claim 17-25, implementing an input device, a processor, and a display in a video game machine for interactive play on the game machine, and implementing a server such as personal computer, mainframe computer, etc. on the network such as internet or intranet network, coupling gaming machines such as personal computer, PDA, etc. via wire or wireless connection would have been old and well known.

As per claim 26, refer to discussion in claims 1 and 16 above.

As per claim 27, implementing a card game on a slot machine would have been well known.

Response to Arguments

4. Applicant's arguments filed 4/29/05 have been fully considered but they are not persuasive.

a) In response to applicant's argument in page 13, last paragraph, through page 14, first paragraph, that Furuta fails to show that the player with four royal cards of the same suit is awarded a bonus prize regardless of the dealer

hand. However, the feature is not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

b) In response to applicant's argument in page 14, last paragraph, through page 15, second paragraphs, the provisional application of Furuta discloses a card game played with the standard deck of 52 cards (page 1, line 17-18), the provisional of Furuta just does not explicitly disclose playing the card poker game using hands of five cards. However, Guidi discloses playing the standard poker game using hands of five as claimed (abstract; col. 5, lines 24-30).

c) In response to applicant's argument in page 15, last paragraph, through page 16, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, obviousness can be established in the knowledge generally available to one of ordinary skill in the art.

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:


(703) 872-9306, (for formal communications; please mark
"EXPEDITED PROCEDURE")

Hand-delivered responses should be brought to Crystal Plaza II,
Arlington, VA Second Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on (571) 272-7147. The central official fax number is (703) 872-9306.

kn
Date: July 7, 2005



Kim Nguyen
Primary Examiner
Art Unit 3713